

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE JOAQUIN ORTIZ-ROMANY,

Defendant.

Crim. No. 06-024 (JAF)

**MEMORANDUM AND RECOMMENDATION**

The defendant, Jorge Joaquín Ortiz-Romany, is facing federal felony criminal charges in this case. There is a genuine issue of mental competency to stand trial. It appears that there is the possibility that defendant cannot completely understand the nature of the criminal charges against him or assist his attorneys in the preparation of a defense.

There is pending before Puerto Rico's General Court of Justice, Superior Court, Bayamón Part, a parallel proceeding under Puerto Rico law where Julie A. Soderlund-Vilanova, Esq., is requesting a declaration of incompetency and the appointment of a legal guardian. The case's caption is: "Ex-Parte Julie A. Soderlund Vilanova, Civil No. DEX 2007-0024 (4006)." The presiding judge is the Honorable Luis Rosario Villanueva, Superior Court Judge.

The court recommends to Judge Villanueva that during the scheduled March 7, 2007, hearing, the Office of the U.S. Attorney and defense counsel in the present criminal case be allowed to participate. This will result in federal/state judicial economy.

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1 Once a decision is made regarding Mr. Ortiz' mental status and  
2 competency, this United States District Court would use, by  
3 stipulation of the parties, the findings made in the competency  
4 proceeding in determining whether the present criminal case can  
5 continue to conclusion or be considered a candidate for dismissal  
6 without prejudice.

7 The text of this Order has been discussed with Assistant U.S.  
8 Attorney Sylvia Carreño and defense counsel Julie A. Soderlund and  
9 José R. Aguayo and they are in agreement with its content.

10 **IT IS SO ORDERED.**

11 San Juan, Puerto Rico, this 28<sup>th</sup> day of February, 2007.

12 S/José Antonio Fusté  
13 JOSE ANTONIO FUSTE  
14 Chief U. S. District Judge